



Report of the Arlington Redevelopment Board to the 2008 Annual Town Meeting April 28, 2008

The Arlington Redevelopment Board (ARB), acting as the Town's planning board, is required to issue a report with recommendations to the Town Meeting on each warrant article that proposes to amend the "Town of Arlington Zoning Bylaw". The ARB must first hold an advertised public hearing on each such warrant article. The advertisements appeared in the "Arlington Advocate" as required on February 28th and March 6th, 2008. The public hearing was held on Monday, March 17, 2008. At its regular meeting on April 14, 2008, the ARB voted on the recommended bylaw language shown below. In each of the warrant articles, the Board's vote was unanimous.

Appearing below are the ten articles included in the warrant for the 2008 Annual Town Meeting, which will commence on Monday, April 28, 2008. The intent of each article is briefly explained, followed by the ARB's vote on each article, which constitute its recommendations. Town Meeting members should take particular note of the fact that the recommendations of the ARB, and not the original warrant article, constitute the actual motion that will be considered by the Town Meeting. An ARB vote of "no action" means that the Town Meeting will be asked to vote that no action be taken on the proposed warrant article.

Warrant article language may be quite general or very specific. The vote, however, must be specific in order to precisely tell how the Zoning Bylaw will be modified. Even when the language in the warrant is specific, the vote or recommendation shown in this report may differ slightly from the warrant language. This occurs when errors are discovered, or testimony at the public hearing convinces the ARB that a change from the original warrant article should be recommended. In such cases, the recommended change cannot exceed the scope of the original warrant article. When there is question about the scope of the change, the Town Moderator will determine whether the change exceeds the scope of the original warrant article. Changes to an article which has specific language in the warrant are noted in the votes shown below: additions to the original warrant article text appear as underlined text, while any deletions to the original warrant article text appear as ~~strike through~~ text. The same method of underline and ~~strike through~~ is used in the examples of the resulting bylaw text to show differences from the existing text.

Commercial Revitalization Eight of the ten articles in this report were proposed by the Redevelopment Board, and most of these were proposed to forward our work on commercial revitalization. Over the last two years the Board and Planning Department have engaged in an effort to determine the issues important to Arlington’s future, and one of the strongest messages we received was that Arlington’s commercial centers were very important to the quality of life that people experience in town. We have begun an initiative on several different fronts to preserve and enhance the commercial experience in Arlington. A part of this effort is to improve the appearance of some businesses, a big part of which is to improve signage. We propose a number of changes to the Zoning Bylaw regarding signs to allow more creativity and to control clutter and inappropriate signs. We also offer some changes relative to parking that we hope will help commercial development.

It is the Board’s intention that the more creative sign types—bracket signs and signs utilizing neon—be allowed only if there is design approval by the Planning Director. If Town Meeting does not approve Article 5, which establishes this approval process, the Redevelopment Board recommends a “no action” vote on Articles 6 and 7.

Article 5

To see if the Town will vote to amend the Zoning Bylaw and or the Town Bylaw so as to authorize the Planning Director to have the right of approval for all sign requests, or take any action related thereto.

This article was submitted by the Redevelopment Board, and proposes that a sign permit may not be approved by the Building Inspector if it has not previously been approved by the Planning Director, or his or her designee. It specifies certain criteria that a sign must meet before being approved.

VOTE:

That the Town vote to amend the Zoning Bylaw in Article 7, section 7.08 by deleting the last paragraph in subsection b and inserting in place thereof the following:

“Upon receipt of a complete application for a sign permit, the Inspector of Buildings shall transmit a complete copy of the application to the Director of Planning and Community Development for his or her review and approval, or that of his or her designee. The Director shall review the application; and evaluate the proposed sign with respect to location, size, color, texture, and lighting, among other criteria, and shall determine that the proposed sign will:

- i. be compatible with, and enhance the building on which it is located;**
- ii. not obscure or detract from architectural features of the building or site on which it is located;**
- iii. not detract from the appearance of the neighborhood;**
- iv. be consistent with sign design guidelines developed by the Arlington Redevelopment Board and published in the booklet "Sign Sense," the current version of which shall be made available to applicants at the Planning Department.**

The Director of Planning and Community Development ~~or his or her designee~~ shall submit his or her approval or disapproval to the Inspector of Buildings within fourteen (14) days of receipt of the application. Failure to submit a report within the time period shall constitute approval of the permit by the Director. Prior to disapproving any application, the Director of Planning shall offer the applicant the opportunity to submit the application for review by the Arlington Redevelopment Board. If the applicant chooses to submit the application to the ARB, the applicant shall so notify the Director within the fourteen-day period, and thereupon the time period by which the decision of the Planning Director must be submitted to the Inspector of Buildings shall be tolled pending the review by the ARB. Upon receiving the applicant's notice requesting review by the ARB, the Planning Director shall schedule such review for the soonest possible meeting of the ARB, and the applicant shall have the opportunity to make a written and/or oral presentation to the ARB, and may submit supporting materials and documents, but such review shall not be deemed to constitute a public hearing that would require advertising by the Town. The ARB by majority vote may affirm, remand, or overrule the decision of the Director of Planning, in full or in part, and may direct that the application be approved with such conditions as the ARB deems appropriate under, and consistent with the terms of the Zoning Bylaw and sign guidelines published in "Sign Sense". Upon issuance of the ARB's decision, the fourteen-day period for notifying the Inspector of Buildings shall resume from the day on which it was tolled."

and in the same section by deleting subparagraph c and inserting in place thereof:

"Such permit shall be issued by the Inspector of Buildings only if the sign complies or will comply with all applicable provisions of this bylaw, and has received the approval of the Director of Planning and Community Development, or the ARB."

TEXT

Section 7.08 - Sign Permits and Maintenance

- a. All persons desiring to erect, install, place, construct, alter, move or maintain a sign shall apply to the Inspector of Buildings for a permit.* A copy of the Application shall be submitted to the Department of Planning and Community Development.
- b. All applications for sign permits shall include at a minimum a drawing to scale indicating the following:
 1. the proposed sign;
 2. all existing signs maintained on the premises;
 3. the lot plan and building facade indicating location of the proposed sign;
 4. specifications for its construction, lighting and wiring.

All drawings shall be of sufficient clarity to show the extent of the work.

~~Upon receipt of a complete application for a sign permit, the Inspector of Buildings shall transmit a complete copy of the application to the Director of Planning and Community Development for his review and comment or that of his designee. The Director or his designee shall submit an advisory report with recommendations as to location, size, color, and lighting among others to the Inspector of Buildings within fourteen (14) days of receipt of the application. Failure to submit a report within the time period shall constitute approval of the permit by the Department.~~

Upon receipt of a complete application for a sign permit, the Inspector of Buildings shall transmit a complete copy of the application to the Director of Planning and Community Development for his or her review and approval, or that of his or her designee. The Director or his or her designee shall submit an advisory report with recommendations review the application; and evaluate the proposed sign with respect to location, size, color, texture, and lighting, among other criteria, and shall determine that the proposed sign will:

- i. be compatible with, and enhance the appearance of the building on which it is located;
- ii. not obscure or detract from architectural features of the building or site on which it is located;
- iii. not detract from the appearance of the neighborhood;
- iv. be consistent with sign design guidelines developed by the Arlington Redevelopment Board and published in the booklet "Sign Sense," the current version of which shall be made available to applicants at the Planning Department.

The Director of Planning and Community Development shall submit his or her approval or disapproval to the Inspector of Buildings within fourteen (14) days of receipt of the application. Failure to submit a report within the time period shall constitute approval of the permit by the Director. Prior to disapproving any application, the Director of Planning shall offer the applicant the opportunity to submit the application for review by the Arlington Redevelopment Board. If the applicant chooses to submit the application to the ARB, the applicant shall so notify the Director within the fourteen-day period, and thereupon the time period by which the decision of the Planning Director must be submitted to the Inspector of Buildings shall be tolled pending the review by the ARB. Upon receiving the applicant's notice requesting review by the ARB, the Planning Director shall schedule such review for the soonest possible meeting of the ARB, and the applicant shall have the opportunity to make a written and/or oral presentation to the ARB and may submit supporting materials and documents, but such further review shall not be deemed to constitute a public hearing that would require advertising by the Town. The ARB by majority vote may affirm, remand, or overrule the decision of the Director of Planning, in full or in part, and may direct that the application be approved with such conditions as the ARB deems appropriate under, and consistent with the terms of the Zoning Bylaw and sign guidelines published in "Sign Sense". Upon issuance of the ARB's decision, the fourteen-day period for notifying the Inspector of Buildings shall resume from the day on which it was tolled.

- ~~c. Such permit shall be issued only if the sign complies or will comply with all applicable provisions of this bylaw.~~

Such permit shall be issued by the Inspector of Buildings only if the sign complies, or will comply with all applicable provisions of this bylaw, and has received the approval of the Director of Planning and Community Development, or the ARB.

- d. The Inspector of Buildings is authorized to order the repair or removal of any sign and its supporting structure which in the judgment of the Inspector of Buildings is dangerous, or in disrepair or which is erected or maintained contrary to this bylaw.

footnote

* Sign permit applicants are advised that a sign in an historic district requires compliance with Title VII, Article 4 of the Town Bylaws (This footnote is inserted for convenience only and is not part of the Arlington Zoning Bylaw).

Article 6

To see if the Town will vote to amend the Zoning Bylaw so as to allow neon signs by sign permit or by special permit, or take any action related thereto.

This article was submitted by the Redevelopment Board, and proposes that neon signs, which are currently not allowed in Arlington, be permitted if the sign is approved by the Director of Planning. Neon signs are not a new category of signs; neon refers to a type of light that can be used in making signs. Signs that employ neon lights are subject to all existing sign regulations. Currently this means that neon lights can be used only if the tubes are not exposed, such as within translucent letters of a sign. This bylaw amendment would permit the use of exposed neon lights. As with all lighted signs, the light must be ‘steady and stationary’; no flashing or animated signs are permitted.

If Article 5 does not pass, the Arlington Redevelopment Board will recommend no action on this article. It proposes to allow this type of signage only if it will be subject to the approval of the Planning Director.

VOTE:

That the Town vote to amend the Zoning Bylaw in Article 2, Section 2.01, by inserting a new definition as follows immediately following the definition for “Sign, Ground”:

“Neon Light: Glass tube filled with neon, argon, or similar gas, creating a colored light; the glass tube is bent to form letters, symbols, or other shapes.”,

and in Section 7.03, by deleting subparagraph e and inserting in place thereof a new subparagraph e as follows:

“e. All illumination shall be either interior, non-exposed; exterior, shielded, and directed solely at the sign; or emanate from neon tubes, which constitute the sign. All illumination shall be steady and stationary and of reasonable intensity.”

TEXT

Section 2.01 – General

“Neon Light:

Glass tube filled with neon, argon, or similar gas, creating a colored light; the glass tube is bent to form letters, symbols, or other shapes.”,

and

Section 7.03 - General Regulations

The provisions of Section 7.03 shall be the general controlling section for all signs. Specific regulations by zoning district are set forth in Sections 7.071 to 7.076.

a.

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e. ~~All illumination shall be either interior, nonexposed or exterior, shielded and directed solely at the sign and shall be steady and stationary, of reasonable intensity.~~

All illumination shall be either interior, non-exposed; exterior, shielded, and directed solely at the sign; or emanate from neon tubes, which constitute the sign. All illumination shall be steady and stationary and of reasonable intensity.

Article 7

To see if the Town will vote to amend the Zoning Bylaw so as to allow blade and bracket signs by sign permit or by special permit, or take any action related thereto.

This warrant article was submitted by the Redevelopment Board, and proposes that the bylaw allow more creative expression by allowing bracket signs if they are approved by the Planning Director. Bracket signs are signs that project out from a building wall at a right angle to the wall. Current regulations require that signs be parallel to the building wall. After further consideration, the ARB does not recommend that blade signs (which tend to have a vertical orientation and are placed on the second story) be allowed at this time.

If Article 5 does not pass, the Arlington Redevelopment Board will recommend no action on this article. It proposes to allow this type of signage only if it will be subject to the approval of the Planning Director.

VOTE:

That the Town vote to amend the Zoning Bylaw in Section 2 by inserting a new definition as follows immediately following the definition for “Sign, Awning”:

“Sign, Bracket: A sign that projects perpendicularly from a building wall. A bracket sign shall not exceed nine square feet in size, or extend more than three feet from the building wall, and the bottom of the sign must be at least eight feet above the ground.”,

and in Section 7.03,o by inserting after the words “window sign,” the words “bracket sign,”.

TEXT

Section 2.01 – General

“Sign, Bracket:

A sign that projects perpendicularly from a building wall. A bracket sign shall not exceed nine square feet in size, or extend more than three feet from the building wall, and the bottom of the sign must be at least eight feet above the ground.”

and

Section 7.03 - General Regulations

The provisions of Section 7.03 shall be the general controlling section for all signs. Specific regulations by zoning district are set forth in Sections 7.071 to 7.076.

- a.
- .
- .
- o. In any district that allows wall signs, a structure may have no more than two of the following categories of signs: wall sign, window sign, bracket sign, and awning sign.

Article 8

To see if the Town will vote to amend the Zoning Bylaw in Article 7 Signs, Section 7.03 General Regulations, part m, to control the use of temporary signs, describing additional forms and uses of temporary signs, or take any action related thereto.

This article was submitted by the Redevelopment Board to subject temporary window signs to regulation so as to combat clutter and prevent temporary signs from becoming permanent. Currently, temporary signs may be displayed if a deposit has been submitted to the Building Department. However, temporary signs in a store window, for example, are allowed without regulation. The proposed amendment is intended to deal with the “temporary sign placed in a window” exception (see Bylaw text in parentheses below). The amendment still allows storeowners to use temporary window signs without seeking approval, but sets some rules so that excess clutter, or signs that are displayed too long, can be cited.

VOTE:

That the Town vote to amend the Zoning Bylaw in Article 7, Section 7.03,m by adding two paragraphs immediately after the existing paragraph, as follows:

“A temporary sign may be placed in a window such that it and a permanent window sign, if any, do not occupy more than 25% of the individual window surface. This type of signage is exemplified by, but not limited to, grocery store sale posters or event posters: offerings that may change frequently. Such a temporary sign must be removed or replaced within thirty days.

The display of goods for sale in a window shall not be considered a window sign. The storage of commercial goods in a window is prohibited.”

TEXT

Section 7.03 – General Regulations

- a.
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- .
- m. One temporary sign is allowed per establishment for a period not to exceed 60 days, providing the sign does not exceed the size of the maximum allowed for the site in the district in which it is located. No more than one temporary sign permit may be issued for a site in a calendar year. Before a temporary sign (other than a temporary sign placed in a window) shall be erected,

there shall be deposited with the Inspector of Buildings the sum of \$20 in cash for each sign. The deposit shall be refunded only upon the removal of the sign. Temporary signs larger in size or displayed more often than allowed by this bylaw may be authorized for public or charitable purposes.

A temporary sign may be placed in a window such that it and a permanent window sign, if any, do not occupy more than 25% of the individual window surface. This type of signage is exemplified by, but not limited to, grocery store sale posters or event posters; offerings that may change frequently. Such a temporary sign must be removed or replaced within thirty days.

The display of goods for sale in a window shall not be considered a window sign. The storage of commercial goods in a window is prohibited.

Article 9

To see if the Town will vote to amend the Zoning Bylaw in Article 6, Section 6.13 in the first sentence by deleting the words “or R2” and inserting in place thereof the words, “, R2 or OS”, and in Article 7, Section 7.03 by deleting the text in subparagraph f and inserting in place thereof the word “(deleted)”, or take any action related thereto.

The two changes proposed in this article simply correct language. In one case, open space properties that were subject to height buffering were changed from the R1 zone to the OS zone, but the OS zone was not mentioned in the height buffering section (Section 6.13). In the other case, the deleted subparagraph refers to the Hospital zoning district, which no longer exists.

VOTE:

That the Town vote to amend the Zoning Bylaw in Article 6, Section 6.13 in the first sentence by deleting the words “or R2” and inserting in place thereof the words, “, R2 or OS”, and in Article 7, Section 7.03 by deleting the text in subparagraph f and inserting in place thereof the word “(deleted)”, or take any action related thereto.

TEXT

***Section 6.13 - Reduced Height Limits in Height Buffer Areas**

When two different maximum height limits are specified for the same zoning district in Section 6.00, the lower limit shall apply to any lot or part of a lot located in a height buffer area unless it is determined as a specific finding of a special permit that the properties in the adjacent R0, R1 ~~or R2~~ , R2 or OS district would not be adversely affected due to existing use or topographic condition. A height buffer area is defined as a lot or part of a lot which is located at a lesser distance from any land, not within a public way, in an R0, R1, R2 or OS district than the following:...

and,

Section 7.03 - General Regulations

The provisions of Section 7.03 shall be the general controlling section for all signs. Specific regulations by zoning district are set forth in Sections 7.071 to 7.076.

- a. Any traffic, directional, informational, educational or identification sign owned and installed by a governmental agency shall be permitted. Acknowledgement of any commercial sponsorship on such a sign shall not exceed 3% of the sign area.
- .
- .
- f. ~~Signs in an H district, if illuminated, shall be illuminated by white or blue nonflashing lights only. (deleted).~~

Article 10

To see if the Town will vote to amend the Zoning Bylaw to exempt seasonal outdoor restaurant seating from the calculation of required parking spaces, or take any action related thereto.

This article proposes to allow restaurants to create outdoor seating (where it complies with other regulations) without having to add parking spaces that the extra seats would otherwise require. The outdoor seating must be temporary (seasonal) only.

VOTE:

That the Town vote to amend the Zoning Bylaw in Article 8, Section 8.01 in the Table of Off-street Parking Regulations by adding a sentence in the column for the “Number of off-street parking spaces per unit” after the “use”, “Theater, restaurant, gymnasium, auditorium or similar place of public assembly with seating facilities”. The sentence shall be as follows:

“For the purpose of calculating parking requirements for restaurants, seasonal outdoor seating shall not count in total seating capacity.”

TEXT

In section 8.01.

Section 8.01 - Off-Street parking Requirements

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TABLE OF OFF-STREET PARKING REGULATIONS

Use	Number of off-street parking spaces per unit
Dwelling, one-, two-, and three-family units.	Two (2) per dwelling unit.
..	
.	
Theater, restaurant, gymnasium, auditorium or similar place of public assembly with seating facilities	One for each four (4) seats of total seating capacity. <u>For the purpose of calculating parking requirements for restaurants, seasonal outdoor seating shall not count in total seating capacity.</u>

Article 11

To see if the Town will vote to amend the Zoning Bylaw for projects subject to environmental design review to allow the parking requirement to be met by privately owned off-site parking spaces; or take any action related thereto.

This article, submitted by the Redevelopment Board, proposes to allow property owners to meet the parking requirement for a particular use by off-site parking. Every use that is developed must meet a parking requirement. The Bylaw currently allows off-site parking that is under the same ownership to meet parking requirements. This amendment would allow such off-site parking that the user does not own, but has agreement to utilize. The amendment applies only to projects that are subject to Environmental Design Review.

VOTE:

That the Town vote to amend the Zoning Bylaw in Article 8, Section 8.06 by adding a new sentence at the end as follows:

“Projects subject to Environmental Design Review under Section 11.06, may provide parking off site within six hundred (600) feet, where it can be shown that a long-term agreement has been made to secure off-site parking.”

TEXT

Section 8.06 - Location of Parking Spaces

Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve or when practical difficulties as determined by the ZBA, or in cases subject to Section 11.06, the ARB, prevent their establishment upon the same lot, they shall be established no further than three hundred (300) feet from the premises to which they are appurtenant. Such spaces may be located out of doors or within a structure designed as a public or private garage. Projects subject to Environmental Design Review under Section 11.06, may provide parking off site within six hundred (600) feet, where it can be shown that a long-term agreement has been made to secure off site parking.

Article 12

To see if the Town will vote to amend the Zoning Bylaw by adding a new standard regarding sustainable building and site design techniques by which Environmental Design Review applications are evaluated, or take any action related thereto.

This article would create a new standard by which projects subject to Environmental Design Review (EDR) would be evaluated. Currently, projects subject to EDR must meet seven special permit conditions and eleven EDR standards. The proposed new standard (number 12) is intended to open the discussion of sustainable building practices. The new criteria would require project proponents to consider the energy and environmental performance of their proposals. The standard would be met by submitting a U.S. Green Building Council Leadership in Energy and Environmental Design (LEED®) checklist, with a narrative explanation of how the proposed development meets the performance criteria of the items in the LEED® checklist.

The LEED® checklist was chosen because of its increasingly widespread use and familiarity among design professionals. While the new EDR standard will require proponents to complete the checklist, it does not require them to achieve a LEED® rating, nor does it require that their projects be LEED® certified.

VOTE:

That the Town vote to amend the Zoning Bylaw in Article 11, Section 11.06, f, by adding a new subparagraph numbered 12 as follows:

“12. Sustainable Building and Site Design. Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED®) checklist, appropriate to the type of development, annotated with narrative description, that indicates how the LEED® performance objectives will be incorporated into the project.

TEXT

Section 11.06 Environmental Design Review

f. ENVIRONMENTAL DESIGN REVIEW STANDARDS

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12. Sustainable Building and Site Design. Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED®) checklist, appropriate to the type of development, annotated with narrative description, that indicates how the LEED® performance objectives will be incorporated into the project.

Article 13

To see if the Town will vote to amend the Zoning Bylaw so as to allow so-called sandwich board signs by special permit; or take any action related thereto.

This article, submitted by the Chamber of Commerce (ten registered voters), proposes to allow signs such as menu boards outside restaurants where they comply with other regulations concerning objects on the right of way (public sidewalk). The amendment was considered by the Redevelopment Board as a special permit use, but was not submitted to the warrant. The Chamber of Commerce decided to submit the article and borrowed the language from the Planning Department. Neither the Chamber nor the Planning Department noticed that the language continued to include the requirement that these signs be allowed by special permit. The expense of the special permit and the inability to remove the provision without exceeding the scope of the article convinced the Chamber to recommend that no action be taken this year. The Board agrees.

VOTE:

That the Town vote no action.

Article 14

To see if the Town will vote to amend the Zoning Bylaw by adding the following to Article 7 Signs, Section 7.04 Prohibited Signs, paragraph (m) “Signs mounted on a truck or trailer chassis, with or without wheels, whose primary function is as a sign, and not for the transport of goods or merchandise, are prohibited”; or take any action related thereto.

This article proposes to prohibit signs mounted on vehicles or trailers. It does not regulate signs painted on a truck to identify the truck’s business, but is intended to prevent advertising by using a vehicle not intended for transport.

VOTE:

That the Town vote to amend the Zoning Bylaw in Article 7, Section 7.04 by adding a new subparagraph as follows: “m. Signs mounted on a truck or trailer chassis, with or without wheels, whose primary function is as a sign, and not for the transport of goods or merchandise ~~are prohibited.~~”

TEXT

Section 7.04 - Prohibited Signs

The following signs shall not be permitted, constructed, erected or maintained.

- a. Signs which incorporate in any manner flashing, moving or intermittent lighting, excluding public service signs showing time and temperature.
- .
- .
- m. Signs mounted on a truck or trailer chassis, with or without wheels, whose primary function is as a sign, and not for the transport of goods or merchandise.

Article 15

To see if the Town will vote to request its representatives in the General Court to introduce legislation to authorize Affordable Housing Covenants in perpetuity for housing affordable to individuals and families with incomes up to 120% of median, and to authorize the Board of Selectmen and the General Court to vary the specific text of the requested legislation within the scope of the general objectives of this home rule petition;

This warrant article will be reported by the Selectmen. It is included here because it was proposed by the Redevelopment Board, and this report is an opportunity to explain the proposal and express the Board’s support for the article. It proposes a home rule petition to increase the term of affordability for so-called “work force housing”, such as the Middle Income Affordable Units at the Symmes Hospital site, and at any other future development

that has such housing. Under current law, housing affordable to households at or below 80% of median income can be required to remain affordable in perpetuity. However, for any property that does not have the 80% affordability requirement recognized by state law, the period for any deed restriction is limited to 30 years. A home rule petition is needed for the Town to impose the same restriction on the Middle Income Affordable housing (for households at 80% to 120% of median income) that it places on its other affordable housing.

The Redevelopment Board recommends that the State Legislature adopt the legislation such as is shown below.

Duration of Middle Income Housing Affordability

- Section 1: There is a housing crisis in Arlington resulting in housing prices that far exceed affordability for its current residents. And it is the Town's housing policy to increase the number of affordable housing units, and encourage retention of affordability in its housing units for the longest term allowed by law.
- Section 2: Notwithstanding any provisions of general or special laws to the contrary, the Town of Arlington is authorized to designate the Arlington Redevelopment Board as the agency authorized to create, administer, and enforce Arlington Housing Covenants. These Covenants shall run with the land for a specified number of years, **or in perpetuity**, and shall be executed by or on behalf of the owner of the land appropriate to (a) limiting the use of all or part of the land to occupancy by persons or families of low or moderate income in either rental or other housing, or (b) restricting the resale price of all or part of the property in order to ensure its affordability by future low and moderate income purchasers, or (c) in any way limiting or restricting the use or enjoyment of all or any portion of the land for the purpose of encouraging or ensuring the creation or retention of rental and other housing for occupancy by low and moderate income persons and families.
- Section 3: For purposes of this Act "low and moderate income persons and households" shall mean persons or households earning less than **120% of median household income** in the Boston-Cambridge-Quincy, MA HUD Metro FMR area, as set forth in guidelines currently in effect, or as may hereafter be amended by the United State Department of Housing and Urban Development.
- Section 4: This Act shall take effect upon its passage.